

*Hanoi, December 16, 2002*

## **CIRCULAR**

Re: Guiding the implementation of some articles of Decree No. 68/2002/NĐ-CP dated July 10, 2002 by the Government providing detailed stipulations for the implementation of some articles of the Marriage and Family Law regarding the marriage and family relation with foreigners

Pursuant to Decree No. 68/2002/NĐ-CP dated July 10, 2002 by the Government stipulating in detail the implementation of some articles of the Marriage and Family Law regarding the marriage and family relation with foreigners;

Pursuant to Decree No. 38/CP dated June 04, 1993 by the Government regarding the functions, tasks, powers and the organisation of the Justice Ministry;

After discussing and getting the unanimity of the ministries of Public Security, Foreign Affairs, Labour, Invalids and Social Affairs, the Committee for Population, Family and Children;

The Justice Ministry guides the implementation of some articles of Decree No. 68/2002/NĐ-CP dated July 10, 2002 by the Government stipulating in detail the implementation of some articles of the Marriage and Family Law regarding the marriage and family relation with foreigners as follows:

### **I. GENERAL PROVISIONS**

#### **1. Applicable scope and objects:**

1.1. According to the stipulations stated in Articles 1 and 79 of Decree No. 68/2002/NĐ-CP dated July 10, 2002 by the Government stipulating in detail the implementation of some articles of the Marriage and Family Law regarding the marriage and family relation with foreigners (hereinafter called Decree), the marriage, the adoption of father, mother, children and their up bringing between Vietnamese citizens and foreigners, between foreigners permanently residing in Vietnam and between Vietnamese citizens of whom one party or both parties settle abroad shall have to comply with this Decree-Circular.

This Decree-Circular is also applied to the marriage between foreigners of whom one party or both parties do not permanently reside in Vietnam, if they require, and the bringing-up of adoptive children between foreigners in which the adopted party is a no-citizenship child permanently residing in Vietnam.

1.2. According to the stipulations stated under Articles 2, 3 and 4 of the 1998 Law on Vietnamese Nationality," Vietnamese citizens settling overseas are those who hold Vietnamese nationality, earn their living and live overseas for a long time, regardless of whether that person has foreign nationality or not .

Vietnamese citizens who are temporarily residing overseas for a limited duration ( for business, study, and work) or their temporarily residing time has terminated and they are not allowed to reside by the host country do not belong to the category of people settling overseas (hereinafter called Vietnamese citizens temporarily residing overseas). The marriage and the adoption of father, mother, children and their up bringing between Vietnamese citizens temporarily residing overseas or with Vietnamese citizens permanently residing in the country eligible for the law's regulations on civil registration do not belong the sphere of this Decree-Circular.

## **2. Consular legalization or its exemption; notary certification or its exemption for foreign papers:**

According to the stipulations stated under Decree's Articles 4, 6 and 67, the consular legalization or its exemption, the notary certification or its exemption for foreign papers used for the purpose of marriage, adoption of father, mother, children and their up bringing with foreigners are implemented as follows:

2.1. In principle, the papers issued by foreign agencies, organisations and certified by foreign notary public and used for the purpose of marriage, adoption of father, mother, children and their up bringing with foreigners submitted to a Vietnamese competent agency must get consular legalization. Consular legalization is the certification of signature, seal on foreign papers used in Vietnam. This certification is carried out by the Consular Department (under the Foreign Ministry), Ho Chi Minh City's Department of External Affairs, the representative diplomatic agency, the consular agency or other Vietnamese agencies authorized to perform the consular function overseas. The procedure of consular legalization is implemented according to the Foreign Minister's Circular No.01/1999/TT-BNG dated June 03,1999 stipulating regulations on legalization of papers.

The exemption of consular legalization is only applied to:

- Papers of competent agency, organisation of countries which have signed an international treaty with Vietnam, dealing with the exemption of

consular legalization with respect to papers and documents of each other (the list of the countries having signed the international treaty with Vietnam is herewith enclosed and updated by the Justice Ministry when there is change);

- Papers issued by the representative diplomatic agency, the foreign consular agency in Vietnam to citizens of that country for use in Vietnam in the reciprocal principle (the list of these countries is herewith enclosed and updated by the Justice Ministry when there is change after to the Foreign Ministry's notice);

- Papers issued by the competent agency, organisation of the People's Republic of China, the People's Democratic Republic of Laos and the Kingdom of Cambodia (hereinafter called neighbouring countries) to their citizens permanently residing in the area bordering Vietnam for the purpose of marriage, adoption of father, mother, children and their up bringing with Vietnamese citizens permanently residing in this area.

2.2. Papers in foreign languages, before being submitted to a competent agency of the Vietnamese State must be translated into Vietnamese and their copies must be certified by the notary public as specified by Vietnamese law, except for papers issued by the competent agency, organisation of neighbouring countries to their citizens permanently residing in the area bordering Vietnam for the purpose of marriage, adoption of father, mother, children and their up bringing with Vietnamese citizens permanently residing in the area bordering that country, these papers only need translating into Vietnamese and enclosed with the translator's commitment in writing regarding the correct translation of the content of that language and in this case the translated copy is not subjected to the notary certification.

Regarding the Vietnamese translated copies of papers in the dossier for adoption of Vietnamese children of foreigners permanently residing in a country which has signed with Vietnam or joined the international treaty on co-operation to bring up adoptive children must be certified by the Vietnamese diplomatic mission or consulate in that country.

### **3. Valid duration of papers:**

The six-month valid duration of papers set forth at points a and b, clause 1, Article 13, points d and e, clause 1, Article 41 and point b, clause 1, Article 69 of the Decree is counted from the date of issuing these papers to the date of submitting the dossier to the Justice Department (with respect to marriage) or to Vietnam's International Adoption Agency under the Justice Ministry (hereinafter called the International Adoption Agency) (with respect to adoption of children).

### **4. Responsibilities of The Justice Department:**

According to stipulations stated under clause 2, Article 76 of the Decree, the Justice Department shall help provincial People's Committee in implementing the State management of marriage and family with foreigners; receive the dossiers (except for the dossiers for adoption of children received by the International Adoption Agency), collect fees, study and verify the dossiers and make suggestions to the provincial People's Committee to solve each specific case and implement other tasks, powers as specified by the regulations of the Decree.

With respect to the marriage, the adoption of father, mother, children and their up bringing of adoptive children in border areas, the Justice Department checks, examines and gives comments on each specific case helping the commune People's Committee in the border area make decision.

#### **5. Issuance of copies of civil status papers :**

After recording the marriage, the adoption of father, mother, children and their up bringing of adoptive children in the civil status book, if the applicant asks for copies of the Certificate of marriage or the Adoption Decision, the Justice Department shall base on the original book to issue them to the applicant; these copies must be signed by the Justice Department director or the person authorized by the director and affixed with the Justice Department's seal.

#### **6. Responsibility for reporting and recording statistics :**

The Justice Department is responsible for strictly implementing the periodical submission of the six-month and annual report and statistical data to the Justice Ministry and the provincial People's Committee on the situation of solving marriage, adoption of father, mother, children and their up bringing of adoptive children with foreigners (according to the form stipulated by the Justice Ministry).

Statistical data attached to the six-month report are counted from the 1<sup>st</sup> of January to the 30<sup>th</sup> of June; statistical data attached to the annual report are counted from the 1<sup>st</sup> of January to the 31<sup>st</sup> of December of that year. The six-month report must be submitted before the 31<sup>st</sup> of July and the annual report before the 31<sup>st</sup> of January of the next year.

#### **7. Inspection and check:**

The Justice Ministry shall base on its specified function and within its competence to take the initiative or coordinate with the ministries and branches concerned to do the inspection and checking of the situation of implementing the Decree in order to discover, remedy and treat violations in the marriage registration, adoption of father, mother, children and their up bringing of adoptive children with foreigners.

## **II. GUIDANCE OF SOME REGULATIONS ON THE ORDER, AND PROCEDURE OF MAKING MARRIAGE REGISTRATION, ADOPTION OF FATHER, MOTHER, CHILDREN AND THEIR UP BRINGING OF ADOPTIVE CHILDREN WITH FOREIGNERS**

### **1. Marriage registration with foreigners:**

#### **1.1. Regarding some papers in the marriage registration dossier :**

1.1.1. Each party has to make a declaration of marriage registration attached with photo (following the set form) which is to be certified by the following competent agencies regarding the fact that at present the applicant is a single person:

- For Vietnamese citizens who permanently reside in the country, the certification is given by the competent agency pursuant to legal regulations on civil status registration.

- For Vietnamese citizens settling overseas, the certification is given by the competent agency of the country where they reside or by the Vietnamese diplomatic mission or consulate in that country.

- For foreigners permanently residing overseas, the certification is given by the competent agency of the country where they have their citizenship or certified residence. If the law of that country doesn't rule the certification of the declaration of marriage registration or that country doesn't issue certificate of marital status, these papers are replaced by an oath document made by that person that he/she is actually single; the form of oath must be appropriate to the law of that country.

- For foreigners who permanently reside in Vietnam, the certification is given by the People's Committee of the commune where they reside.

1.1.2 Papers certifying that the applicant actually doesn't suffer any mental illness or who suffers a mental illness but not to the extent that he/she cannot be aware of his/her deeds certified by a Vietnamese medical establishment specialized in mental illness from provincial level upward or by a medical establishment specialized in mental illness of the country where that person resides.

1.1.3 In case a Vietnamese citizen has received a divorce verdict or decision (with another Vietnamese citizen or with a foreigner) judged and decided by a foreign court or a foreign competent agency, he/she is required to make an annotation procedure in the book at the Justice Department and submit the confirmation letter of the latter showing that his/her divorce verdict and decision have been annotated (if the annotation is made at other place); if the divorce is decided at a Vietnamese Court it is required to submit the copy of the

divorce verdict or the extract of the effective divorce verdict. For foreigners who marry or divorce between themselves overseas, there is no need to make the annotation of the divorce and in this case it is only needed to submit a copy of the effective divorce verdict and decision; if a foreigner marries another foreigner in Vietnam or marries a Vietnamese citizen in Vietnam and divorces overseas he/she is required to fulfil the annotation procedure .

The annotation of the divorce verdict and decision stated at this point is to be implemented in accordance with legal regulations on civil status registration.

1.1.4. In case the applicant's spouse has died, he/she shall have to submit the certificate of death.

## **1.2 Regarding the procedure for marriage dossier:**

According to the stipulations stated under Decree's Article 14, in principle, when submitting application for marriage registration, both persons must be present. In case one of them is ill or busy with business or has other good reasons which prevent him/her from directly submitting the dossier, he shall have to make a letter of attorney authorizing the other person to submit the dossier, in the letter of attorney the reason of absence must be clearly stated; the letter of attorney must be properly certified.

## **1.3 Regarding the order to solve the marriage dossier:**

According to the stipulations stated under Decree's Article 16, the Justice Department is responsible for helping provincial People's Committee in the receipt, study and inspection of dossiers and suggesting the acceptance or rejection of marriage registration and bears responsibility for the marriage dossier.

Regarding the order to solve the marriage registration, the following issues should be paid attention to :

1.3.1. Regarding the procedure of marriage banns : the banns of marriage are carried out for seven consecutive days at the headquarters of the Justice Department and the commune People's Committee, at the place where the Vietnamese citizen permanently or temporarily resides or at the place where the foreigner permanently resides. The document dealing with the marriage must contain information on both persons such as full name, gender, date of birth, permanent and temporary residences, marital status (single, married but divorced or one of the spouse has died), estimated time for making marriage registration (if there is no complaint, denouncement of illegal marriage).

In case of complaint, denouncement of marriage, the People's Committee at commune level has the responsibility of promptly reporting to the Justice



Department in writing. If there is no complaint, or denouncement of marriage, the People's Committee at commune level does not have to report to the Justice Department on the result of marriage banns.

1.3.2. During the process of inspecting the marriage registration dossier if there is complaint, denouncement of unlawful, false marriage (the marriage is not aimed at forming a family, but at going abroad instead), the Justice Department shall conduct the verification or request the applicant to come to the Justice Department's headquarter for interview in order to clarify the matter.

In case the marriage dossier is suspected of having fake papers or problems subjected to being verified by the security agency, the Justice Department shall send an official letter enclosed with one set of marriage dossier to the security agency at the same level asking for verification. According to the stipulations at Clause 2 Article 16 of the Decree, within 20 days from the date of receipt of the Justice Department's official letter, the security agency conducts the verification and reply the Justice Department. If beyond this duration the security agency has not sent a reply letter yet, the Justice Department continues to make suggestion to the Chairman of the People's Committee at provincial level for consideration and issuing decision in which the problem which need to be verified by the security agency should be clearly mentioned.

1.3.3. In case the People's Committee at provincial level refuses the marriage registration, the Committee shall notify the applicant in writing, in which the reason of refusal should be clearly specified. The fee for marriage registration paid by the applicant is not refunded.

#### **1.4. Regarding the organisation of the marriage registration ceremony:**

The marriage registration ceremony is held according to the stipulations stated at the Decree's Article 17. At the marriage registration ceremony both the man and the woman must be present and present their ID cards, passports or legitimate substitute papers (such as the pass or personal papers stuck with photo) and express themselves their will of getting married voluntarily, sign the marriage registration book and the certificate of marriage.

In case of illness, being busy with business or with good reasons which prevent them from being present at the defined time, the applicants shall have to make an application asking the Justice Department to postpone the marriage registration; the application does not need certification. The duration for temporarily postponing the marriage shall not exceed 90 days from the date the provincial People's Committee Chairman signs the certificate of marriage. If beyond this duration, the marriage ceremony is not held due to the absence of the applicants, the Justice Department shall report to the provincial People's Committee in writing about the problem. If after that the applicants request to

organise the marriage registration ceremony, they have to re-make all papers according to the procedure of marriage registration from the beginning.

## **2. Adoption of father, mother, children with foreign factor**

### **2.1. Regarding conditions to adopt father, mother, children:**

According to the stipulations stated under Decree's Article 28, the Justice Department only receives applications for adoption of father, mother and children if the receiving party and the received party are still alive at the time of submission of application, voluntarily agree and there is no dispute; if during the process of solving the dossier one of the two parties dies, and there is no dispute, the adoption of father, mother, children continues to be solved; if both parties die the Justice Department shall suspend the settlement of the adoption of father, mother, children.

During the process of solving the dossier if dispute arises between the receiving party and the received party who is father, mother, child or with a third person, the Justice Department shall suspend and guide the applicant to submit his/her application to the provincial People's Court for settlement according to lawsuit procedure.

### **2.2. Regarding the order, procedure of solving the adoption of father, mother, children:**

According to the stipulations stated in Decree's Articles 30 and 32, the following problems should be paid attention to:

2.2.1. In case the person who asks for the adoption of a father, mother, child with papers, documents to prove the paternal, maternal, child relation (such as letters, films, photos, video tapes and discs, result of medical test, etc.) these materials should be submitted together with the application for adoption of father, mother, children; if these materials are not available, the Justice Department still continues the consideration and settlement (if the dossier is completed and legitimate).

In case the child's birth registration is not available, it is allowed to combine the settlement of the adoption of father, mother, children first and the birth registration is made later.

2.2.2. Regarding the procedure of notifying the adoption of father, mother, children: The notification is carried on within 15 consecutive days at the headquarters of the Justice Department and the commune People's Committee, at the residence place of the person to be received as father, mother, child.



The notification document must include information on the receiver and the person to be received as father, mother, child such as full name, gender, date of birth, place of permanent residence, number of the ID card or passport, estimated time to make the registration for the adoption of father, mother, children (if there is no complaint or denouncement of the adoption of father, mother, children).

During the notification duration if there is complaint, denouncement of the adoption of father, mother, children, the commune People's Committee is responsible for promptly reporting the Justice Department in writing; if there is no complaint, denouncement of the adoption of father, mother, children the commune People's Committee does not need to report to the Justice Department about the notification result.

2.2.3 The decision to recognize the adoption of father, mother, children is valid from the date of delivery to the applicants and recording in the registration book.

2.2.4. In case of refusal or suspending the settlement of the adoption of father, mother, children, the fee paid by the applicant is not refunded.

### **3. Registration for bringing up adoptive children with foreigners.**

3.1. According to the stipulations stated under Decree's clause 2, Article 35, in principle, only foreigners who ask for adopting Vietnamese children (hereinafter called the person asking for adoption) are considered for settlement if that person permanently resides in the country which has signed with Vietnam or joined the international treaty on co-operation to bring up adoptive children (the list of these countries is herewith enclosed and updated by the Justice Ministry if there is change). For exceptional case the consideration and settlement are only made for foreigners who permanently reside in a country which has not signed with Vietnam or joined the international treaty on co-operation to bring up adoptive children, who ask for adoption of Vietnamese children, if they ask the following very children who are living in their families :

- Children who are orphans of both parents or those who are fatherless or motherless and the other person is unknown;

- Disabled children;

- Children having kith and close relation with the person asking for adoption;

- The kith relation is that between aunt, uncle and nephew/niece (following paternal or maternal side), the close relation is that between the step

father and the wife's own children, between the step mother and the husband's own children;

- The person asking for adoption of orphans, disabled children mentioned at this point and having no kith or close relation must have at least 6 months upward of living, working and studying in Vietnam .

### **3.2. Regarding the procedure of submitting dossier for receiving adoptive children:**

According to the stipulations stated under Decree's Clause 2, Article 41, the dossier for adoption of a child must be submitted to the International Adoption Agency through diplomatic channel or through the concerned foreign country's adoption agency allowed to operate in Vietnam ( hereinafter called the Foreign Adoption Office).

For dossiers asking for adoption of a child of the person permanently residing in a country which has not signed with Vietnam or joined the international treaty on co-operation to bring up adoptive children, the dossier must be directly submitted to the International Adoption Agency by the person who asks for adoption.

### **3.3. Regarding the order to introduce children for adoption :**

3.3.1. The introduction of children for adoption according to the stipulations stated under Decree's Article 51 is only applicable to the cases in which the person asking for adoption permanently resides in a country which has signed with Vietnam or joined the international treaty on co-operation to bring up adoptive children. In these cases it is only allowed to introduce children who are brought up at orphanages and not introduce children who are living in their families.

3.3.2. After receiving the dossier and at the wish of the person asking for adoption (from which province or city they want to receive children) the International Adoption Agency shall send an official letter attached with the copied application and the extracted content of the dossier of the person asking for adoption to the Justice Department which will guide the orphanage to introduce the child possessing adequate condition as specified by law and suitable to the wish of the person asking for adoption to have the child adopted.

In case the person asking or adoption doesn't express his/her wish to receive the child in which province, city, the International Adoption Agency shall send an official letter to the Justice Department where there is the orphanage which is capable of introducing children to implement the introduction.

3.3.3. According to the stipulations stated under Decree's Clause 2, Article 51, the orphanage is only allowed to introduce the children who are living at the institution as adoptive ones .

In case there is no child eligible for or suitable to the wish of the person asking for adoption, within 07 days from the date of receiving the Department of Justice's proposal, the head of the orphanage shall have to reply the Justice Department in writing to let the latter report to the International Adoption Agency.

In case there is a child eligible for suitable to the wish of the person asking for adoption, the head of the orphanage shall have the responsibility for replying the Justice Department in writing to let the latter report to the International Adoption Agency. The reply document of the orphanage includes information on the child introduced such as full name, gender, date of birth, nation, nationality, place of residence, place of birth (if he/she is a newly born), native village (if it is clearly known) full name of the child's father, mother (if they are clearly known), health condition (height, weight, etc.) capacity to offer for adoption, special needs and preferences of the child (if any); other information on the child (such as orphaned, abandoned or disabled) the child's two photos of 9x12 or 10x15 sizes are enclosed with the document.

3.3.4. According to the stipulations stated under Decree's Clause 3, Article 51, in case the child is determined as eligible for or suitable to the wish of the person asking for adoption, the International Adoption Agency shall notify the applicant in writing (through the International Adoption Agency of that country or the Foreign Adoption Office ). In the document it is required to define the time the applicant has to reply if he/she agrees or disagrees with the related child.

3.3.5. According to the stipulations stated under Decree's Clause 4, Article 51, in case the person asking for adoption agrees to receive the related child for adoption, the International Adoption Agency shall send an official letter to the Justice Department to let the latter guide the orphanage to prepare a dossier for the child. The institution head is responsible for preparing dossier of the child including papers as stated under Decree's Article 44.

In case the person asking for adoption refuses to receive the related child, the International Adoption Agency shall send an official letter to the Justice Department to let the latter notify the orphanage which will introduce the child to another person. If the person asking for adoption wants to receive another child for adoption, the dossier of this person is only considered for settlement after 12 months from the date that person refuses to receive the already introduced child.

**3.4. Regarding the order and procedure for settlement of adoption dossier :**

3.4.1. According to stipulations stated under Article 45 to Article 49 of the Decree, the Justice Department is responsible for helping the provincial People's Committee in the inspection and its responsibility for the whole set of the dossier of the child placed for adoption, ensuring the progress of solving the dossier as specified by regulations.

If the child's dossier is considered as having the necessary documents as specified by regulations stated at Article 44 of the Decree and all the documents are legitimate, the child's origin is clear and the child has adequate conditions to be adopted, the Justice Department shall send an official letter enclosed with the child's set of dossier to the International Adoption Agency.

In case the child's origin is found unclear or there is some doubt that in his dossier there are fake documents or indication of sale and purchase, fraudulent exchange or kidnapping, the Justice Department shall send an official letter enclosed with a set of the child's dossier to the Public Security Authority of the same level requesting the latter for a verification. According to stipulations stated at Clause 2, Article 45 of the Decree, the Public Security Authority is responsible for verifying and then replying the Justice Department within 30 days from the date of receiving the Justice Department's official letter. If beyond this time-limit the Public Security Authority doesn't reply, the Justice Department shall send a report enclosed with one set of dossier to the International Adoption Agency for consideration. In the report it is required to clearly mention that the Department has already requested the Public Security Authority for a verification.

3.4.2. According to stipulations stated at Article 46 of the Decree, the International Adoption Agency is responsible for checking all the documents in the child's dossier. If the dossier is found in adequate or legitimate, the Agency shall send an official letter to the Justice Department asking the latter to notify the head of the children raising institution or the child's parents or sponsor to supplement and complete the dossier; in the official letter the time-limit for supplementing and completing the dossier should be clearly specified.

In case the child's dossier is legitimate and adequate in accordance with the stipulations mentioned at Article 44 of the Decree, the International Adoption Agency sends an official letter to the Justice Department enclosed with one set of dossier of the person asking for adoption (the child's dossier is not returned). In this official letter the International Adoption Agency should make clear its comments on the settlement of the adoption.

3.4.3 According to stipulations stated at Clause 1, Article 47 of the Decree, within seven days from the date of receiving the reply from the International Agency enclosed with one set of dossier of the person asking for adoption, the Justice Department is responsible for sending a notice to the person asking for adoption (it may be sent through the Foreign Adoption Office) for the

latter come to Vietnam to complete the adoption procedure; in this notice, a time-limit should be clearly stated.

3.4.4. According to stipulations stated at Clauses 2 and 3, Article 7 of the Decree, the Justice Department collects the registration fee for adoption paid by the person asking for adoption or by an authorized organisation, and at the same time guides this person to make a letter of commitment (according to a set form) in 04 originals. After this person has completed all the procedures, the Justice Department submits a report on the results of the inspection and make suggestion on how to solve the case to the provincial People's Committee for consideration and decision. The report is enclosed with one set of dossier of the person asking for adoption.

3.4.5 According to stipulations stated at Articles 48 and 49 of the Decree, the hand-over and reception of an adopted child can only be carried out after obtaining the Decision of the Chairman of the provincial People's Committee for adoption of a Vietnamese child, the person asking for adoption is being present in Vietnam to directly receive the child in the presence of the persons stipulated at Clause 2, Article 49 of the Decree. The delegation of power to hand over and receive an adopted child is unacceptable. If for objective reasons (illness, disease, busy with business,) the person asking for adoption cannot be present to receive the adopted child, the hand-over and reception of the child shall be postponed. In case both spouse ask for an adopted child but one of them, for objective reasons, cannot be present, he or she must write a letter of attorney. The letter of attorney must be certified by a competent authority of that country. In case the party handing over the adopted child is the child's own parents but for objective reasons one of them cannot be present, the absent person must write a letter of attorney for the other. The letter of attorney must be certified by the People's Committee at commune level where that person resides.

The representative of the Foreign Adoption Office may attend the hand-over and reception ceremony as a witness. The representative of the Foreign Adoption Office is absolutely not allowed to receive the child on behalf of the receiving party.

The minutes of the hand-over and reception of an adopted child must contain the signatures of the receiving party, the hand-over party, the representative of the Justice Department and affixed with the Justice Department's seal.

3.4.6. Within seven days from the date of the hand-over and reception of an adopted child, the Justice Department is responsible for sending to the International Adoption Agency all necessary documents in accordance with the stipulations stated at Clause 6, Article 49 of the Decree.



#### **4. Marriage registration, adoption of father, mother, children, bringing up adopted children with foreigners in border areas.**

During the settlement of marriage registration, adoption of father, mother, children, up bringing adopted children with foreigners in border areas, the following points should be paid attention to:

##### **4.1. Regarding the applicable scope, objects :**

The stipulations stated at Chapter V of the Decree are only applicable to the marriage registration, the adoption of father, mother, children, the up bringing of adopted children between Vietnamese citizens permanently residing in communes, wards, townships in Vietnam's border areas and neighbouring countries' citizens permanently residing in areas bordering Vietnam (the list of communes, wards, townships belonging to border areas is promulgated in conjunction with the Defense Ministry's Circular No. 179/2002/TT-BQT dated January 22, 2001, which is attached to this Circular).

The marriage, the adoption of father, mother, children, the up bringing of adopted children between Vietnamese citizens permanently residing in Vietnam's border areas and neighbouring countries' citizens who do not permanently reside in areas bordering Vietnam or between Vietnamese citizens permanently residing in Vietnam's border areas and neighbouring countries' citizens permanently residing in areas bordering Vietnam do not belong to the adjusted scope and objects of Chapter V of the Decree.

##### **4.2. Regarding the order and procedure of making marriage registration, adoption of father, mother, children, up bringing of adopted children :**

4.2.1. The declaration of marriage registration, the application for adoption of father, mother, children, the application for receiving adopted children are commonly applied under the set forms reserved for Vietnamese citizens living in the country in accordance with legal regulations on civil status registration.

4.2.2. The procedure, content of the publication of marriage, adoption of father, mother, children are carried out like the publication of marriage registration, adoption of father, mother, children between Vietnamese citizens living in the country in accordance with legal regulations on civil status registration.

The content of the publication of the up bringing of adopted children with foreigners in border areas must contain information on the person asking for adoption and the child such as their full name, gender, date of birth (age), ethnic



group, nationality, permanent residence, occupation, estimated time for registration for the adopted child.

4.2.3. The certificate of marriage, the decision to recognize the adoption of father, mother, children, the decision allowing the reception of adopted children are commonly applied under the set forms reserved for Vietnamese citizens living in the country in accordance with legal regulations on civil status registration.

### III. PROVISION FOR IMPLEMENTATION

1. This Circular comes into effect from January 2, 2003.
2. In case the international conventions signed or joined by the Socialist Republic of Vietnam stipulates otherwise, the regulations of the conventions shall prevail.
3. Based on this Decree-Circular and the concrete situation in the localities, the Justice Department shall draft the provincial People's Committee's decision to submit it to the provincial People's Committee Chairman who will promulgate a joint regulation between the Justice Department and the provincial Public Security Department, the Department of Labour, Invalids and Social Affairs and other local departments, boards and branches in order to well implement the regulations of this Decree-Circular.
4. In the process of its implementation, if any impediments and problems arise the provincial People's Committee, the Justice Department should send an official letter to the Justice Ministry for timely guidances.

Cc:

- The Party Central Committee's Office;
- The National Assembly's Office;
- The State President's Office;
- The Office of the Government;
- The People's Supreme Court;
- The People's Supreme Court of Investigation;
- Ministries, ministerial-level agencies, and organs under the Government;
- Provincial and city People's Committees under the Government;
- Gazette;
- Archives at the Justice Ministry, the Department of International Co-operation, etc.

MINISTER OF JUSTICE

UONG CHU LUU

*(Signed and sealed)*